

**Testimony on behalf of Public Service Commission
Kate Whitney, PSC Regulatory Division Administrator (phone 444-3056)**

In support of
House Bill 60
February 3, 2011

SENATE HIGHWAYS AND TRANSPORTATION

Commission NO. 1
DATE: 2-3-2011
BILL NO. HB 60

Chairman Jones and members of the Committee,

House Bill 60 is requested by the Public Service Commission. The Commission seeks to eliminate the provisions in Title 69, Chapter 12, that require the PSC to appoint a supervisor of motor carriers and that specify the eligibility requirements and job duties of the position. These statutory requirements are obsolete and unnecessary.

First, while there was a time that the PSC had broad rate and service oversight of the motor carrier industry in Montana, that has not been the case for several years as state regulation in the transportation arena has been greatly reduced due to federal deregulation and preemption. There is no reason any longer to specify by law that the PSC appoint this staff position. Second, the duties of the PSC manager who supervises the field inspectors do not require that the employee be either an attorney or a person with at least 5 years of motor carrier industry experience, which are the requirements of current law. Third, it is unnecessary to specify in statute the duties of the motor carrier supervisor or to subject this employee to the employment uncertainty caused by the statutory requirement of serving at the pleasure of the commission. The PSC should have the discretion to determine this employee's duties and responsibilities in the same way it has for its other employees.

The PSC recommends a DO PASS on House Bill 60.